



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mauldin, Sidney Wayne

Application No.: 10/750,108

Group No.: 3672

Filed: 12/31/03

Examiner: Tsay, Frank

For: Minimal Resistance Scallop for a Well Perforating Device

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES (37 C.F.R. § 1.191)**

TO THE ASSISTANT COMMISSIONER FOR PATENTS

SIR:

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed December 6, 2005, finally rejecting claims. Two subsequent Advisory Actions Before Filing of an Appeal Brief, from the primary examiner, were never received by Applicant's Attorney and a Petition for Revival of an Application for Patent Abandoned Unintentionally Under CFR 1.137(b) is being filed along with this Notice of Appeal.

Refund Ref: 04/06/2007 CKHLOK 0000158563
CHECK Refund Total: \$250.00

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date April 6, 2007, in an envelope as "Express Mail Post Office to Addressee", mailing Label Number ER 539844752 US, addressed to the: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4-6-07

Brian E. Powley

04/06/2007 Date: 04/06/2007 CKHLOK
04/10/2007 SSESHE1 00000069 10750108
02 FC:2401 -250.00 OP

04/10/2007 SSESHE1 00000068 10750108
250.00 OP
02 FC:2401



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PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

TO THE ASSISTANT COMMISSIONER FOR PATENTS

SIR:

PETITION

1. Applicant petitions that the abandonment set forth in the notice mailed by the Office on July 19, 2006 be withdrawn.

2. The abandonment was based on Applicant's failure to timely file a proper reply to the

Office Action mailed on December 6, 2005. That is somewhat incorrect or misleading as Applicant

Adjustment date: 08/08/2007 CKHLOK
09/07/2006 HGBREM1 00000078 10750108
01 FC1462 -400.00 DP

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date September 5, 2006, in an envelope as "Express Mail Post Office to Addressee", mailing Label Number ER 539844718 US, addressed to the: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 9-5-06

Brian E. Powley

09/07/2006 HGBREM1 00000078 10750108

01 FC:1462

400.00 DP

09/07/2006 CKHLOK 0000158562
Total Refund Total: \$400.00

A copy of the Supplemental Advisory Action mailed May 12, 2006 and envelope
with the wrong address from the File Wrapper.

Notice of Appeal.

4. Please proceed with further examination of this application on the basis of:

The Notice of Appeal.

PETITION FEE

5. The petition fee (37 C.F.R. 1.17(f)) is paid as follows:

Check No. 1063 in the sum of \$400.00.

A duplicate of this paper is attached

REQUEST FOR REFUND OF PETITION FEE

6. As Applicant's Attorney never received the two Advisory Actions, a refund of the petition fee submitted herewith is respectfully requested.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

7. Acknowledgment of the active status of this application and time for filing the Appeal Brief are respectfully requested.

Respectfully submitted,



Brian E. Powley
Registration No. 43,437
P.O. Box 720415
Oklahoma City, OK 73172-0415
PH: 405-722-3663

Attorney for Applicant

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>08/06/07</u>		2 Serial/Patent # <u>10/750,108</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
X	Notice of Appeal/Appeal			\$ 250.00
X	Petition			\$ 400.00
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$ 650.00
		8 TO BE REFUNDED BY:		
		X	Treasury Check	
			Credit Deposit A/C #:	
		9	<div style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; text-align: center;"> -- </div>	
10 REASON:				
	Overpayment			
	Duplicate Payment			
X	No Fee Due (Explanation):			
Paid notice appeal fee of \$250 on 9/6/06 and 4/6/07 when only due once.				
On 9/6/06, paid \$400 for petition fee but no fee required for petition under Rule 181 filed on that date.				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Charles Steven Brantley</u>		TITLE: <u>Senior Petitions Attorney</u>		
SIGNATURE:		PHONE: <u>571-272-3203</u>		
OFFICE: <u>Office of Petitions</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED:		DATE: <u>8/8/07</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: